

REMARKS

The Applicants have carefully reviewed the Decision on Appeal mailed May 19, 2008 (hereinafter "*Decision*") and offer the following remarks to accompany the above amendments.

Claims 1-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wolfe* in view of *Gervais*. As pointed out by the BPAI in the *Decision*, claims 1-28 are allowable over *Wolfe* in view of *Gervais*. Regarding claims 29-42, as noted above, the Applicants have amended claim 29 to recite a system for enabling electronic delivery of files comprising, among other features, a data repository "that stores information relating to the files available in the digital marketplace, wherein the information includes business rules associated with each file that define electronic transfer of the files during commercial transactions." Thus, claim 29 recites a system having a data repository that stores information, which includes business rules associated with each file that define electronic transfer of the files during commercial transactions. The Applicants submit that since claim 29 has been amended to recite a data repository that stores information, which includes rules that control electronic transfer of files during commercial transactions, as opposed to a data repository for storing this type of information, claim 29 now positively recites this feature such that a data repository is not merely capable of this functionality, but must perform this functionality. In the *Decision*, the BPAI indicated that neither *Wolfe* nor *Gervais* discloses rules that control electronic transfer of files during commercial transactions. (See *Decision*, page 14). Thus, as amended, claim 29 is patentable over the cited references and the Applicants request that the rejection be withdrawn. Likewise, claims 30-42, which depend from claim 29, are patentable for at least the same reasons along with the novel features recited therein.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicants' representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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